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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,988	07/22/2003	Nigel Thorneywork	3022.010USU	8169

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EXAMINER

YEUNG, JAMES C

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,988

Applicant(s)

THORNEYWORK, NIGEL

Examiner

James C Yeung

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The specification is not in conformance with U.S. format. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims s 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Sylvain (France Pat. 2705766). The structure as claimed is fully anticipated by Sylvain (note element 29, Fig. 2).
4. Claims s 1, 8, and 12, are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuto (Japan Pat. 55-63329). The structure as claimed is fully anticipated by Nobuto (note element 5, Fig. 1).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain (France Pat. 2705766) in view of Nitta (Japan Pat. 55-110835).

Nitta teaches the use of a grease filter (12) mounted on the upstream side of a catalytic converter (11) for the purpose of removing any large particles of grease from the air before the air reaches the catalytic converter (11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the oven of Sylvain with a grease filter in the manner as taught by Nitta in order to remove any large particles of grease from the air before the air reaches the catalytic converter (20).

In regard to claims 4-7, to mount the grease filter and/or the catalytic converter in the manner as recited are deemed matter of design choice obvious to one of ordinary skill in the art at the time the invention was made. No patentable weight can be given thereto in the absence of a showing of criticality by applicant.

In regard to claim 9, the particular microwave heating means selected is deemed obvious matter of design choice as admitted by applicant on page 5, lines 3-5 of the instant specification.

7. Claims 1, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz (German Pat. 4139904 A1) in view of Sylvain (France Pat. 2705766).

Lutz discloses the invention substantially as claimed. However, Lutz does not disclose that the catalytic converter is mounted both on the baffle plate and upstream of the fan.

Sylvain shows in Fig. 2 an oven comprising: a cooking chamber (3); a baffle plate (16); a fan (25); and a catalytic converter (20). Sylvain further shows in Fig. 2 that the catalytic converter is mounted both on the baffle plate (16) and upstream of the fan (25). This particular arrangement shown by Sylvain is used for the purpose of facilitating the replacement of the catalytic converter.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the catalytic converter of Lutz both on the baffle plate and upstream of the fan in the manner as taught by Sylvain in order to order to facilitate the replacement of the catalytic converter.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lutz (German Pat. 3636622 A1) is cited to show an oven with hot air circulation elements with fins coated by a catalyst.

Hirai (Japan Pat. 59-202331) is cited to show an oven provided with a catalytic converter for removing cooking fumes.

Scofield is cited to show an oven with vapor treating means (note element 40, Fig. 2).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Yeung whose telephone number is 703 308-1047. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

JY  
April 2, 2004

  
James C. Yeung  
Primary Examiner